

REMARKS

Per the telephonic interview with Examiner David Vu on May 10, 2004, the Proposed Amendment submitted on May 7, 2004 has overcome all outstanding rejections with regard to claims 1, 3-4, 6-7, 9-14, and 16. Applicant thanks the Examiner for his time and effort. To formally enter the Amendment, a Request for Continued Examination (RCE) is filed concurrently herewith.

This Amendment is substantially the same as the Proposed Amendment, with minor changes to more particularly point out that the structural layer has a core sputtered silicon layer patterned with released structures thereof (claims 1, 6, 9, 11, 12, and 14). In addition, the word "optional" is deleted from claim 9 per the Examiner's instruction. Accordingly, the two independent claims 1 and 9 are directed to the structures shown in Figures 9 and 4, respectively. Dependent claims 3-4, 6-7, 10-14, and 16 are submitted to be patentable per *In re Fine*, 5 USPQ 2d 1596, 1600 (Fed. Cir. 1988) and *Ex parte Kochan*, 131 USPQ 204 (Bd. App. 1960), since they differ in scope from their parent independent claims 1 and 9, which have been indicated as would be allowable per the Amendment proposed heretofore.

The Examiner is sincerely invited to telephone the undersigned at 650-331-8413 for any clarification or suggested actions necessary to resolve any remaining issues prior to allowance. The undersigned can be reached 10AM-7PM PST, Monday-Friday.

Respectfully submitted,



Katharina Wang Schuster, Reg. No. 50,000
Attorney for the Applicant under 37 CFR 1.34

LUMEN INTELLECTUAL PROPERTY SERVICES
2345 Yale Street, Second Floor
Palo Alto, CA 94306
(O) 650-424-0100 x 8413 (F) 650-424-0141